

so enormous is of itself proof of the fact that they were not at any time deemed by Congress to constitute a sufficient cause of war. Most of them had besides been actually adjusted by a treaty between the two countries, which was in the course of faithful execution by Mexico when the hostile demonstrations of our Administration suspended the payment of stipulated indemnities. As to what remained of unadjusted claims, there was nothing, until the occurrence of this war, to prevent their peaceable and even satisfactory adjustment. As to the refusal by Mexico to receive our Minister being, as the President intimates, a sufficient cause of war, it is a sufficient answer to the President that the army was ordered to march to the Rio Grande (where, according to the programme of the government paper, the war was to begin) two months before our Minister was finally refused to be received by the Government of Mexico.

But let it be admitted, for the sake of argument, and for that sake only, that, according to the customs and laws of nations in less civilized, less moral, and less enlightened ages than the present, we really had cause of war with Mexico, so far as war between two Christian Nations is ever just or necessary: yet, war with Mexico, distracted, weakened, and impoverished as she had long been and then was, with intestine factions and divisions, was neither necessary, magnanimous, nor honorable on our part. Such a war, even for just objects, being unnecessary—the only inevitable effect indeed upon the claims for which it would be waged being to fasten them upon our own Treasury instead of the Mexican—could never redound to the glory of the country, and much less compensate for the rivers of blood and heaps of treasure which have been already wasted in this war.

But, to pass all this by, whether the existing war be just or unjust, necessary or unnecessary, is not the question now at issue between the President and the People. Was this War the act of the Sovereign People of the United States, declared in their name, in the only manner known or acknowledged by the Constitution—by the Senate and House of Representatives in Congress, to whom alone it belongs to determine whether War, at any time or under any circumstances, be just and necessary? Or was it, whether a crime or a mistake, the unauthorized act of the President, to whom the Constitution has denied all power over the question of War? This is the true question: nor can all the wire-drawn sophistry and special pleading of the President's Message of last year, referred to in that which is now before us, deceive a single individual, be he Whig or be he Democrat, of common sense or common information, against the well-known and well-authenticated facts in the case. Need we add, that, whoever the President be, who, trampling down the barriers which the Constitution has erected for the protection of the general welfare, and for the security of the life, liberty, and property of the citizen, of his own mere will and pleasure plunges the country into a War, with or without cause—that man is a Despot! The Nation that quietly folds its arms and permits this to be done with impunity, may delude itself with the fancy that it lives under a written Law and Constitution, but it is an idle dream. That Nation is a Nation of slaves, and lives under a Despotism.

To proceed, however, to the main point, upon the re-assertion of which alone the President relies to justify himself before his own fellow-citizens for his agency in this War, viz. that the Mexican Government "finally, under wholly unjustifiable pretexts, involved the two countries in war, by invading the territory of Texas, striking the first blow, and shedding the blood of our citizens on American soil." *Not one word of this is true.* We regret the necessity, but the President imposes upon us the obligation, of renewing the demonstration of the utter falsity of the whole of it. Mexico did not invade the territory of Texas: Mexico did not strike the first blow: Mexico did not shed the blood of our citizens on our own soil.

This whole question, it will be seen, resolves itself into one of territorial boundary.

Did, at the breaking out of this war, the territory between the Nueces and the Rio Grande (Del Norte) belong to Mexico or to the United States?

It did not belong to the United States. The Republic of Texas had no title to it. She had not even a respectable claim to it. She pretended to no such title when she called a Convention to form her Constitution; for not a member was called to that Convention from any portion of the territory bounding on the Rio Grande. Nor when, in her Constitution, she apportioned the Representation in her Legislature among the several districts of her territory, did she enumerate any districts lying upon the Rio Grande as entitled to representation in the Texan General Assembly. The whole country on the Rio Grande, and indeed the whole country west of the Nueces, except the small settlement of San Patricio, was exclusively in possession of the Mexicans, until the army of the United States marched into it, driving before it the Mexican civil officers and the peaceful inhabitants. Texas having no title to the territory, the annexation of Texas to this Union could confer none upon the United States. Were a peace to be made to-morrow on the basis of leaving things as they were before the war, the territory between the Nueces and the Rio Grande would still constitute a part of the Mexican States of Tamaulipas, &c.

This state of the fact is none of our first discovering, much less of our imagining. We derive nearly all our information on the subject from the highest Democratic authority. When the Treaty with Texas, by which she undertook to convey to the United States a western boundary to the Rio Grande, was depending in the Senate, Mr. Senator Benton (high authority on the subject) indignantly denounced it as an attempted fraud and outrage.

"I wash my hands," said he, "of all attempts to dismember the Mexican Republic, by seizing her dominions in New Mexico, Chihuahua, Coahuila, and Tamaulipas. The treaty, in all that relates to the boundary of the Rio Grande, is an act of unparalleled outrage on Mexico. It is the seizure of two thousand miles of her territory, without a word of explanation with her, and by virtue of a treaty with Texas, to which she is no party."

Mr. Benton further declared that the claim set up by Texas by the Treaty, if maintained, would cut off "the capital and forty towns and villages of New Mexico, now and always as fully under the dominion of Mexico as Quebec and all the towns of Canada are under the dominion of Great Britain."

Mr. B. closed his speech by offering the following resolution:

Resolved, That the incorporation of the left bank of the Rio del Norte into the American Union, by virtue of a treaty with Texas, comprehending, as the said incorporation would do, a portion of the Mexican departments of New Mexico, Chihuahua, Coahuila, and Tamaulipas, would be an act of direct aggression upon Mexico, for all the consequences of which the United States would stand responsible.

To the same effect, that great Democratic leader, the Hon. SILAS WRIGHT, (whose late death has been so justly lamented by men of all parties,) who was present during the whole debate upon the Texas Treaty and gave his vote against its ratification, declared to his constituents, in a speech delivered at Watertown, as follows:

"I felt it my duty to vote against the ratification of the treaty for the annexation. I believed that the treaty, from the boundaries that must be implied from it, embraced a country to which Texas had no claim, over which she had never asserted jurisdiction, and which she had no right to cede."

But, many years before the date of this debate, the records of the United States had borne testimony to the true boundary of Texas. In 1836 an Agent was dispatched by the President of the United States (Gen. JACKSON) to examine and report upon the condition of Texas, which had then established an independent Government; and in his report, dated in August of that year, he reported that "the political limits of Texas proper, previous to the last revolution, were the Nueces River on the west; along the Red River on the north; the Sabine on the east; and the Gulf of Mexico on the south."

At the time of the consummation of the act of annexation, Mr. DONELSON being the Chargé d'Affaires of the United States to that young Republic, communicated freely with his Government as to the position of things in Texas. From his letters we extract the following passages, showing what was the fact as to the limits of the territory actually occupied by Texas, even at that time:

"Corpus Christi is said to be as healthy as Pensacola, a convenient place for supplies, and the most western point now occupied by Texas."—Letter to Secretary of State, June 30, 1845.

"The occupation of the country between the Nueces and the Rio Grande, you are aware, is a disputed question. Texas holds Corpus Christi. Mexico holds the Brazos de Santiago."—Letter to Gen. Taylor, June 28, 1845.

"The joint resolution of our Congress left the question open, and the preliminary proposition made by this Government, under the auspices of the British and French Governments, as the basis of a definitive treaty with Mexico, left the question in the same state. And although this Government (the Government of Texas) has since indicated a point on the Rio Grande for the occupation of our troops, I did not consider this circumstance as varying the question, since the President (of Texas) but a few weeks before issued a proclamation suspending hostilities between Texas and Mexico, the practical effect of which was to leave the question precisely as it stood when our joint resolution passed—Mexico in possession of one portion of the territory, and Texas of another." "The proclamation of a truce between the two nations, founded on propositions mutually acceptable to them, leaving the question of boundary not only an open one, but Mexico in possession of the east bank of the Rio Grande, seemed to me inconsistent with the expectation that in defence of the claim of Texas our troops should march immediately to that river. What the Executive of Texas had determined not to fight for, but to settle by negotiation, to say the least of it, could as well be left to the United States on the same conditions."

"The question was whether, under the circumstances, we should take a position to make war for this claim, in the face of an acknowledgment on the part of this Government that it could be settled by negotiation. I at once decided that we should take no such position, but should regard only as within the limits of our protection that portion of territory actually possessed by Texas, and which she did not consider subject to negotiation."—Letter to Mr. Buchanan, July 11, 1843.

"Your purpose will be the defence of Texas, if she is invaded by Mexico, and you will be in position at Corpus Christi, San Antonio, and other points on the Nueces, ready to act according to circumstances."—To Gen. Taylor, July 7, 1845.

These extracts taken together establish, upon the evidence of our Government itself, through its Diplomatic Representative in Texas, that Mexico was in possession of the territory west of the Nueces (except the county of Patricio) and Texas of the territory east of the Nueces, with the addition of Patricio; that Mexico was admitted by our own Envoy to be in possession of the east bank of the Rio Grande, and that Corpus Christi was the most western point then occupied by Texas. These admissions from a source so well-informed, so free from bias in favor of any interest but that of the United States, (including Texas,) are fatal to every pretension of territorial right on the part of Texas between the Rio Grande and the Nueces, the small county of Patricio perhaps excepted.

All that remains, therefore, to sustain the pretension of our Administration that the boundary of Texas extended to the Rio Grande, and that by her annexation the Rio Grande became the boundary of the United States, is the act of the Legislature of Texas declaring its boundary to extend to the Rio Grande. If that act could be considered of any effect whatever, it would at most leave ground for controversy and negotiation, as was assumed by Mr. Donelson. But that act itself was a mere nullity.

To that effect we have the opinion of Senator WOODBURY, (now an Associate Judge of the Supreme Court of the United States,) in his Speech in favor of ratifying the Treaty of Annexation:

"Texas, by a mere law," said he, "could acquire no title but what she conquered from Mexico, and actually governed. Hence, though her law includes more than the ancient Texas, she could hold and convey only that, or, at the uttermost, only what she exercised clear jurisdiction over."

TEXAS NEVER HAD EXERCISED JURISDICTION OF ANY SORT OVER ANY TERRITORY ON THE RIO GRANDE, AND COULD NOT THEREFORE BY POSSIBILITY CONVEY TO THE UNITED STATES ANY TITLE TO IT.

To the same effect we have the authority of Mr. GALLATIN, which saves us and our readers the trouble of searching further on the subject:

"The Republic of Texas did, by an act of December, 1836, declare the Rio del Norte to be its boundary. It will not be seriously contended that a nation has a right, by a law of its own, to determine what is or shall be the boundary between it and another country. The act was nothing more than the expression of the wishes or pretensions of the Government. As regards right, the act of Texas is a perfect nullity."

It is thus conclusively demonstrated that the territory between the Nueces and the Rio Grande never had passed out of the possession or right of Mexico, and was in no sense "American soil," or territory of the United States. The fact is, moreover, too notorious to need to be here dwelt upon,

that the army of the United States, when it neared the Rio Grande, chased the Mexican custom-officers out of their houses, and, when it encamped on the bank of the river, found itself in the midst of a Mexican population, and occupying the corn and cotton-fields which they had fled from in dismay. The flag of the United States was planted by our army, as in defiance, under the guns of a Mexican fort, and at the same time the vessels of our Navy blockaded the mouth of the Rio Grande—a river running, from its source to the ocean, altogether between Mexican banks, without a Texan settlement of any sort within a hundred miles of it. Nay, Gen. TAYLOR himself, after literally obeying the Executive orders by occupying a position opposite Matamoros, thus reported to the War Department (under date of April 6, 1846,) his proceedings:

"On our side a battery for four eighteen-pounders will be completed, and the guns placed in battery to-day. These guns bear directly upon the public square of Matamoros, and within good range for demolishing the town. THEIR OBJECT CANNOT BE MISTAKEN BY THE ENEMY."

The Enemy! What enemy? Does not this language prove that the brave old General understood very well what he was sent there for? War did not exist until he had planted a battery of guns bearing directly upon the public square of Matamoros, the object of which, as he very truly reports to Mr. MARCY, could not be mistaken!

And by this invasion of Mexican territory, under peremptory orders from Washington to the Commanding General, was the war begun by the President of the United States, without the knowledge of Congress, though then in session. Nor then nor since has there been a drop of American (United States) blood shed by Mexico on American soil: nor then nor since has a Mexican soldier or armed man set his foot upon American soil, (Texas proper included.)

The foundation of the President's first, second, and last War Manifestoes against Mexico being thus withdrawn from under them, what is there left to sustain any part of the recommendations, in the Message before us, of a further and more vindictive prosecution of the war?

But to proceed: The ground upon which the President placed the War, when, having got into it, he was obliged to call upon Congress to sustain him in it, is, as we have shown, so far from being solid or true, that it is directly the reverse. So far from Mexico having invaded the United States, our President invaded Mexico; and, so far from the war having "existed" by the act of Mexico, it existed—so far as it is possible for the United States to be at war without the consent of the war-making power—by the act of Mr. Polk alone. Nor, in our opinion, did it exist without premeditation. It had been contemplated as possible, at least, from the moment of his coming to the Presidency. The government paper, as we have already remarked, had not been in existence more than a week before, in that mirror of the Presidential sentiment, the invasion, and even the conquest of Mexico, were foreshadowed—we may say predicted—in the event of Mexico venturing to exercise any authority on the east bank of the Rio Grande. As early as June, 1845—[mark the date]—the Commander of the Naval force of the United States in the Pacific was directed to look out for a war with Mexico, and, on receipt of the news of it, to possess himself of the port of San Francisco, on the coast of California, and such other ports as his force would permit. He had been so instructed even earlier than this: for the letter to him begins: "Your attention is still particularly directed," &c. to the contingency of war. Congress was to meet in the December following. Early in November, the Message of the President to Congress being in a state of preparation, already contained, as we had every reason to believe, a recommendation of hostilities against Mexico, in some form or other, on the ground of unsatisfied claims of our citizens, of unpaid indemnity money, and other alleged grievances. On the 9th of November, however, just three weeks before the session began, information having been received from our Consul at Mexico that the Mexican Government was willing to receive a Commissioner to negotiate concerning the Texas boundary, the Message was perforce changed. The body of the indentment against that Government was indeed retained, as the reader will perceive if he will take the trouble to refer to the Message itself; the recommendation of reprisals, or of war in some form, being the only thing omitted. A Minister Plenipotentiary was sent instead of a Commissioner—our Government refusing to treat on the boundary question without mixing it up with matters with which it had no sort of connexion—and the cor-

"The evidence which satisfied our mind of the facts here referred to may interest some readers. We will therefore briefly state it. In the Journal of Commerce, whose correspondent was at that time certainly in confidential communication with persons familiar with the movements of the Government, we found, and copied into the National Intelligencer, the following letter:

"WASHINGTON, OCTOBER 30, (1845.)

"I am happy to learn that the Executive has determined not to send a special agent to Mexico, to demand payment of indemnities.

"But I am glad to state, for the information of Mexican claimants, and for the information of all those who entertain a just sense of our national rights and dignity, that the course of the Executive on this subject will be one that will fully meet their expectations, and be far more effective than the feeble and formal one that I have referred to, and which has been abandoned.

"What this course is to be I will not undertake to state: but I refer all who may be interested in the matter to the President's Annual Message, which will be forthcoming in about four weeks.

"The ground now taken by the Executive probably is, that Mexico has so far violated the treaty herself that we are absolved from all adherence to it. She has taken the responsibility of breaking off all diplomatic intercourse, recalling her own Minister and dismissing ours. I do not see how this Government could approach her in any way, except the way the French took."

Upon the disclosure, in this Letter, of the intention of the President to recommend to Congress to take "the way the French took" in regard to our differences with Mexico, we made such comments as so scandalous a proposition as the bombardment and blockade of Vera Cruz, or any measure of a like character, upon the plea of unsatisfied claims of the United States, seemed to us to deserve. Whereupon, out upon us comes the "Union," with a column or two of the grossest vituperation of the National Intelligencer as opposing the Government, first in its desire to get up a war for fifty-four years on the Oregon question, and now again having the assurance to say a word against war with Mexico; but not denying a syllable of the fact communicated to the Public by the Washington Correspondent of the Journal of Commerce. [This was six months before the war actually did break out without the agency of Congress.] We did not doubt then, and do not now doubt, that the correspondent aforesaid had either seen the draft of so much of the President's intended Message as concerned Mexico, or had it so conveyed to him as to allow him to speak of its forthcoming contents with substantial if not verbal accuracy.

response between our Minister and the Mexican authorities was still going on when the army of General TAYLOR was, as if for the purpose of precipitating events, marched from Corpus Christi to the Rio Grande. About the same time, as we know from the President's Message of last year, he was himself in secret negotiation with the exiled Military Chieftain, SANTA ANNA, for what precise purpose can only be inferred from the fact, that the day after the war was declared to exist, directions were given to our vessels of war to allow him to pass into Mexico. All these concurring circumstances show that war was premeditated by the President.

That the war might have been then averted by Mexico's agreeing to surrender to the United States California and a boundary on the Rio Grande, we do not doubt; nor do we doubt that the President and his Cabinet have been willing, ever since the war began, to end it whenever Mexico would agree to surrender to their demand all of her territory that they have set their hearts on; and that this is what the President means when he speaks of "conquering a peace." But we have still less doubt that the original object of this war, and the sole true cause and motive of it, was CONQUEST, or, in other words, the coercion of Mexico to surrender territory which Mr. Polk ambitioned the *et* of "annexing" to the United States. Mr. Secretary BANCROFT, in a letter of instructions to Commodore SLOAN, (then commanding in the Pacific,) on the 12th of July, 1846—two months after the war was legalized by Congress—very frankly disclosed this fact. "The object of the United States," said he, "is, under its rights as a belligerent nation, to possess itself entirely of Upper California." And, further, said Mr. BANCROFT, "The object of the United States has reference to ultimate peace with Mexico; [ultimate, observe: possession of her coveted territory, being the penultimate object:—and if, at the peace, the basis of the *uti possidetis* shall be established, the Government expects, through your forces, to be found in ACTUAL POSSESSION of Upper California."

The President declared to Congress, it is true, in his Message of last year, that this war with Mexico had not been waged in a spirit of conquest. Would any one suppose, with these instructions to our Naval Commander, and corresponding instructions to our Military Commanders, that he understood the import of this disclaimer? No one can at least misunderstand the purport of his present Message, breathing, as it does, nothing but war, a Conqueror's peace, or the alternative of the annihilation of Mexico.

Nor does the President seem to understand himself in another respect any better than he did when he disclaimed any purpose of conquest in the prosecution of the war with Mexico.

In setting forth, for instance, in the beginning of this Message, his own love of Peace and strenuous efforts to preserve for us his blessings, we must look on him as exhibiting a very signal example of self-delusion. No man's pacific merits could well be less. His course, thus far, in his high office, on the contrary, realized to the full, in almost every instance, what we said of it a year ago; namely, that, having seen that wars were popular in this country and felt that he himself was not too popular, he had thought to himself, "I will be a War-President, and that will make me popular and render all my opponents and competitors odious." Accordingly, his very Inaugural had a full-blown quarrel with England in it; his first Annual Message announced that he had done nearly all he could to bring that quarrel to a focus; meantime he had secretly taken steps for another with Mexico, by way of making sure of a war somewhere. So that, no sooner had the interposition of the Senate foiled him in his original war-plan, than, by a diligent improvement of his time, he had another fight ready to substitute for that which had been refused him. Grown more wary this time, he took care not to be foiled by any body's discretion; and, though Congress was sitting for five months before he had brought every thing to bear, contrived to have a war completely in a blaze; and our successor army placed in what (their prowess unknown) seemed an almost hopeless predicament, before the country or Congress knew one word of what he was about.

Such are the general and the larger facts, as to that merit of loving peace which the President appropriates to himself. If we look closer and scan the particulars of things, we must not only say that President Polk is not possessed of that virtue of a ruler which he claims, and—we regret that we must say it—has shown, and every where in this Message shows himself, utterly indifferent to the carnage and calamities of war.

Of little less than stone, indeed, must his heart be, who can look, without the strongest commiseration, upon the spectacle of a nation reduced to the extremity of distress in which Mexico, known from the first to be incapable of resisting us, now stands. Not one spark of compassion can his breast ever have known, who, after inflicting upon a wretched people, destitute of any resource against us but their hereditary obstinacy, all the slaughter and humiliation which we have every where inflicted upon Mexico, can coolly resolve in his heart that this is not enough; not blood enough, not tears enough; not sufficient ravage, not satisfactory disaster, not national woe and degradation duly deep; for that the victim-people, though covered with blood and prostrate in the dust, still, with desperate though feeble hands, fights, though vainly, for its hearths and altars—that therefore, as Mexico does not yield, we must now begin to strike her "in her vital parts;" and, besides seizing, for our perpetually, territories the utmost that even Rapacity has dared avow for our aim, most pacifically and peace-lovingly exhorts us to go on ravaging the rest of Mexico until the nation yields or is destroyed!

Why, the very savage of the court-yard, in other times—that most brutal of mankind, the bully of the ballwalk, who chewed up an ear or nose, or scooped out with thumb a prostrate adversary's eye—was humane, was generous, in comparison with this; for he, when he fought, never fought the weak, but rather his match; nor, when his rival champion lay gasping and helpless under him, gave to the last and ready to die sooner than utter the craven word "enough." Would he have ever thought of proceeding to mutilate the vanquished, by way of forcing him to confess himself conquered, and then, moreover, have helped himself to whatever he could find in the maimed man's pockets. No: even in his hardened heart, there would be a manly pity, because there was courage: if he did not at once raise up his enemy with respect, he at least

would not begin "to strike at his vital parts;" and well for him, too, that he would not; for the very crowd of a court green, coarse as it then was, was yet undebauched of every right sentiment by party politics, and would not have suffered in the bully what it now endures in the President.

So much for the mercies and the compunctions of him who proposes, for the lure of five miserable millions of indemnities, which he himself acknowledges Mexico could not raise the means of paying, to butcher or enslave a whole empire of Republics! But this is not all: how stood the fact of our very right to ask for those indemnities, after having helped ourselves to Texas, for the liberty of peacefully annexing which it is well known that we stood ready, under the Tyler administration, at any time to have given more than the amount of the indemnities as a price? Even in the moment of Annexation, the Chairman of the Committee of Foreign Affairs in the House of Representatives, speaking as the organ of the Executive in the House, said, to quiet the last opposition, that he had the liberty of assuring the House that it was ascertained that the injured feelings of Mexico could be healed with money. Such was the intimation then held out; and there is every reason to believe that authorized but unofficial offers of at least the amount of the indemnities had been more than once made to Mexico for her rights over Texas.

Finally, however, in the mere confidence of impunity, we took it without a price: but at least, by a last reserve of shame or of pity, upon the remonstrance and the unanswerable showing of Mr. BENTON that we were about to take much more than Texas, (which had never possessed anything beyond the Nueces,) Congress relented, and by its Resolution of Annexation ordered the Executive to adjust by friendly negotiation the proper boundary between Texas and Mexico.

And, now, once more for the peace-lovingness of this our President. His duty stood assigned him. He knew that we had taken what we had often offered to buy; he knew that if, in honor and faith, the indemnities were not cancelled by our seizure of Texas, at least that now an injury to Mexico had been committed. But he knew that, feeble as she was, she dared not accept that war; and at once, with a pitilessness the most singular, not content though we had just ravished from her a vast and rich territory, not touched by the forlornness of a nation utterly unable to revenge such treatment further than by the impotent resentment of withdrawing her Ambassador from our Court, he sends Gen. TAYLOR forward, to seize, in addition to all that she had been stripped of, even the petty and barren slip, the mere selva of sand, the desert space between the Nueces and Rio Grande, which Congress had plainly meant to spare. For this worthless object, and under circumstances so vehemently invoking forbearance and mercy, has Mr. Polk illegally and unconstitutionally involved us in this cruel war, every step in which is plainly, according to the progress of his plans, to lead us further and further into "the bowels of the land."

Yet, in the face of all this, President Polk can talk smoothly of his love of Peace, the "liberality" of the terms he has held out through Mr. TRIST, and especially the generosity with which, wherever the sword goes to crimson the fields of Mexico, the olive-branch forthwith waves, as fast as its companion smites! "No conqueror that I ever heard of," says Edmund Burke, "has ever professed to make a cruel, hard, and insolent use of his conquest. No! The man of the most declared pride scarcely dares to trust his own heart with this dreadful secret of ambition. But it will appear in its time. And no man who professes to reduce another to the insolent mercy of a foreign arm ever had any sort of good will towards him. The profession of kindness, with that sword in his hand and that demand of surrender, is one of the most provoking acts of his hostility."

Can the President so little conceive how mere a mockery of peace and fraternity is this invading a country with declarations of love, this sweeping off its provinces with a besom made of olive-branches, as to expect that Mexico will not be fired with a double resentment by the imperious and degrading form of negotiation to which he would have her submit? If he does expect it, then is he a stranger not only to all the natural and becoming passions of men defending their country, its honor, and its independence, but to all the examples of history and all the suggestions of prudence. War has never thus been made, except by conquerors the most arrogant and merciless. The rule of the Romans, not less wise than magnanimous, was never to negotiate after a defeat.

Can the President intend that we are to treat in the face of disaster, should it ever come? Dare he declare that the pretended "olive-branch" would not then be instantly withdrawn? What, then, is the inevitable effect but to require that they whom we are invading, destroying, and dismembering, should, at every calamitous and bloody defeat, come forward to embrace terms necessarily made harder and more humiliating by utter discomfiture—the rout and dispersion of their armies, or the capture of their forces and cities? Of negotiation under such circumstances, the *re victis* of Brennus and his Gauls, the "Wo to the Conquered!" is the notorious and inevitable law. The sword stands ever ready, in all such cases, to be cast into the scale of rancor; and none but a nation of cravens and fools ever resigns itself to making terms at such a moment. On the contrary, every brave and every patriotic heart only summons up, at such an instant, a more unconquerable courage; and the resolution "Never to despair of the Republic" becomes the only thought which the citizen will consent to entertain.

Left almost at our mercy as she is, by factions which not even the extremity of public distress seems able to quiet; her Government and her armies in the hands of those who appear equally inefficient for either peace or war; her troops everywhere driven from the field or lying slaughtered; her ports, her capital, and several of her large provinces in our hands; her treasury as empty as was our own in the gloomiest day of our Revolutionary struggle—still, in the pertinacity of her refusals to treat, Mexico has shown some gleams of that old Numantine spirit which preferred death to surrender; that Iberian obstinacy which the Moor could never quell, nor even the irresistible armies of Napoleon tame. Whether she has caught it from her race, or whether the growing fierceness of a universal national hate such as always springs up in a

country overrun by invaders inspires it, we should respect it. It is honorable; it will be found formidable. Such a spirit, once fairly awakened, has ever proved invincible; and so we shall find it to our cost, if, by prolonged and cruel warfare, such as President Polk would have, we stir it up throughout Mexico. Meantime, we say, without hesitation, that she has, in one instance at least, manifested a faithfulness of nationality which goes far to redeem all the disgraces of her arms. We speak of her answer, with Gen. SCOTT and his glorious little army at the gates of her capital, to Mr. TRIST's demand of the cession of New Mexico. That answer was in the following terms:

"That this proposition, under the recognized right of Mexico to deliberate, should be modified; and that, in the pretensions of the United States and the character of its negotiations, its Commissioner leaves no other choice to Mexico than the loss of honor; and it is that which shuts the door to all possibility of making peace."

"To restore this great benefit to the nation, the Government agreed to cede Texas and a part of Upper California, as far as the frontier of Oregon, on the terms which were stated in the instructions; but not even with the reservation that Congress should approve it would the Government consent to cede more—especially not New Mexico, whose inhabitants have manifested their desire to make a part of the Mexican family with more enthusiasm than any other part of the Republic."

"These meritorious Mexicans, abandoned to their fate during some administrations, often without protection even to preserve them from the incursions of the savages, have been the most truly patriotic of Mexicans, because, forgetting their domestic complaints, they have remembered nothing but their desire to be of the Mexican family; and many, exposing and sacrificing themselves to the vengeance of the invaders, have rebelled against them; and when their plans were discovered or discovered, and their conspiracies frustrated, have again conspired; and would any Government sell such Mexicans as a herd of cattle? Never! Let the nationality of the rest of the Republic perish for them! Let us perish together!"

Here is a sentiment and here a conduct that are worthy of the most magnanimous Republic. They say plainly, "Slaughter us; it is in your power: overrun us; for you can: but not even to 'save a part of our country' will we ever consent to sell or give to you brave citizens who hate you and love Mexico. And it is these New Mexicans, thus faithful to their Government and thus repaid by its affection and fidelity, that President Polk intends to drag into our Union, whether they will or not, by way of making them into a kind of human indemnity, a corporeal capital, an animated scrip, out of which are to be repaid the old losses of certain of our citizens! A great sympathy with love of country must our President have, and marvellously precise notions about the right of a province, a good deal more populous than was Texas in 1837, to choose under what Government it shall live!

But we have filled our vacant spaces, and exhausted our allotted time. Whatever more we have to say on this Mexican War we must reserve until some occasion shall arise to call for its utterance.

THE OPENING OF THE SESSION.

There was, at the opening of both Houses of Congress on Monday, quite a full attendance of Members.

In the SENATE the VICE PRESIDENT took the Chair.

In the HOUSE OF REPRESENTATIVES, on the third trial to elect a SPEAKER, the Hon. ROBERT C. WINTHROP, of Massachusetts, received a majority of votes, and was conducted to the Chair, whence he acknowledged, in highly appropriate terms, his sensibility to the confidence reposed in him by his fellow-members.

Mr. WINTHROP received the votes of nearly every Whig member present. Other Whig members of distinguished standing and ability had been spoken of for this dignified office, who would have filled it worthily and with honor. But the choice of the party having fallen on Mr. WINTHROP, no gentleman can feel disparaged by the preference. His experience, abilities, dignity, and unblemished personal character will become the high trust confided to him, and furnish an abundant guaranty for the able and faithful discharge of the arduous and responsible duties of the Chair.

The Democratic members appear not to have united on any member of that party for the office of Speaker, but to have voted according to their individual personal preferences.

Subsequently to Monday, the House completed its organization by the election of—

NATHAN SARGENT, Esq., formerly connected with the Philadelphia press, and heretofore run by the Whigs as their candidate for Congress in one of the Philadelphia districts, to the office of Sergeant-at-Arms.

ROBERT E. HORNOR, also a Member of the Editorial fraternity, (from New Jersey,) to the office of Doorkeeper; and

JOHN M. JOHNSON, the former incumbent, to the office of Postmaster.

FINANCES OF OHIO.—According to the Message of Governor BENN, just communicated to the Legislature of Ohio, the finances of that State are in a flourishing condition. The treasury receipts for the last year, from all sources, was \$2,314,075, and the disbursements, including the interest on public debt, were \$1,904,255. The balance applicable to the payment of temporary and funded debts of the State was \$409,820. Domestic bonds to the amount of \$119,883 73 had been redeemed during the year from trust funds, leaving a balance of the same funds applicable to the same purpose of \$118,804 25. The expenses of the State Government and benevolent institutions were \$210,250 42. He recommends an increase of sinking fund from \$20,000 to \$200,000 per annum.

The following Officers of the Army arrived at New Orleans on the 1st instant, in company with Gen. TAYLOR:

Major J. H. EATON, Aid-de-camp; Captain R. S. GARRETT, do.; Colonel W. G. BELKNAP, U. S. A.; Major G. PORTER, 4th Artillery; Major W. W. S. BLISS, Assistant Adjutant General; and Lieutenant C. L. WILKINS, 3d Artillery.

Hon. G. W. DARGAN was on Monday last elected Chancellor by the Legislature of South Carolina, in place of the late Chancellor HARPER.

A WHIG VICTORY.—The Whigs of Savannah (Georgia) on Monday last re-elected Dr. H. K. BRIDGEMAN to the majority of that city by the handsome majority of 239 votes over E. J. HARKEN, his Democratic competitor. The present majority is an increase of 97 over the vote of last year. A Whig Board of Aldermen was also elected by nearly the same vote.

THE MEMPHIS BANK.—We learn from the Memphis papers that an injunction was laid on the Memphis Bank of Tennessee on the 26th ultimo, at the instance of Mr. EVAN ROOKES, of Philadelphia, who owns or controls a large number of its shares. Under this process the bank, it is supposed, will go into liquidation and be finally wound up.